HC-KAR
NC: 2026:KHC:61232
CRL.P No. 2131 of 2024
CNR: KAHC010127092024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAJESH RAI K

CRIMINAL PETITION NO. 2131 OF 2024

BETWEEN:

1. SRI. ADITYA MARUTI GOKARN
S/O MARUTI VINAYAK GOKARN
AGED ABOUT 43 YEARS,
R/AT: B2 SOBHA TURQOISE
HAUDIN ROAD, ULSOOR,
SIVAN CHETTY GARDENS,
BENGALURU - 560 042.

AS INDICATED IN THE COMPLAINT:
SRI. ADITHYA GORKARNA,
MANAGING DIRECTOR,
TRITON VALVES LIMITED,
NO.22 SUNRISE CHAMBERS
ULSOOR ROAD, BENGALURU 560 042.

Digitally signed by PANKAJA S
Location: HIGH COURT OF KARNATAKA

2. SMT. ANURADHA GOKARN,
W/O LATE MARUTI VINAYAK GOKARN
AGED ABOUT 82 YEARS,
R/AT: A G 2, BRIGADE REGENCY,
8TH MAIN, OPP B P PETROL PUMP,
MALLESHWARAM WEST,
BENGALURU - 560 055.

AS INDICATED IN THE COMPLAINT
SMT. ANURADHA GOKARNA

DIRECTOR, TRITON VALVES LIMITED,
NO.22 SUNRISE CHAMBERS,
ULSOOR ROAD, BENGALURU 560 042.

3. SRI. BHASKAR RAMACHANDRA PAI
S/O. RAMA BHASKAR PAI
AGED ABOUT 80 YEARS
R/AT NO.1078, 12TH MAIN ROAD
HAL 2ND STAGE, INDIRANAGAR
BENGALURU-560 008.

AS INDICATED IN THE COMPLAINT
SRI. PAI
DIRECTOR, TRITON VALVES LTD,
NO.22 SUNRISE CHAMBERS
ULSOOR ROAD,
BENGALURU 560 042.

4. SRI. SRIKANTH KAMALAKANT WELLING
S/O KAMALAKANTH GAJANAN WELLING
AGED ABOUT 78 YEARS,
R/AT: NO.202, PARIJATHA APTS, 46
10TH MAIN ROAD, MALLESHWARAM WEST,
BENGALURU - 560 066.

AS INDICATED IN THE COMPLAINT
SRI. VELLING
DIRECTOR, TRITON VALVES LIMITED,
NO.22 SUNRISE CHAMBERS,
ULSOOR ROAD, BENGALURU 560 042.

…PETITIONERS

(BY SMT. SAYANTANI RAKSHIT ADVOCATE FOR
SRI. MURALIDHARA C., ADVOCATE)

AND:

SENIOR LABOUR INSPECTOR
19TH CIRCLE, BENGALURU,
HAVING OFFICE AT:
KARMIKA BHAVANA,
BANNERGHATTA ROAD
BENGALURU-560029.

…RESPONDENT

(BY SRI.MAHESHA P., HCGP)

THIS CRL.P IS FILED U/S.482 OF CR.PC. PRAYING TO SET ASIDE THE ORDER DATED 02.08.2023 TAKING COGNIZANCE OF THE OFFENCE P/U/S 22(a) OF MINIMUM WAGES ACT AND ORDER DATED 19.02.2024 REJECTING RECALL APPLICATION U/S 70(2) CR.PC OF NON BAILABLE WARRANT AGAINST PETITIONERS WHO ARE ACCUSED NO.1 TO 4 IN C.C.NO.8812/2023 PASSED BY THE PENDING ON THE FILE OF THE HONBLE MMTC-1 AT BENGALURU AT ANNEXURE-A.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

In the present petition filed under Section 482 of Cr.P.C., the petitioners/accused Nos.1 to 4 have called in question the order dated 16.03.2023 taking cognizance, the subsequent orders dated 02.09.2023 and 19.02.2024 issuing Non-Bailable Warrants (NBW), as well as the entire proceedings in

C.C.No.8812/2023 pending on the file of the learned Metropolitan Magistrate, Traffic Court - I, Mayo Hall, Bengaluru (hereinafter referred to as 'the learned Magistrate'), for the offence punishable under Section 22(a) of the Minimum Wages Act, 1948.

2. The brief facts of the case are that the Senior Labour Inspector, 19th Circle, Bengaluru, being a public servant acting in the discharge of his official duties, filed a complaint under Section 200 of Cr.P.C. against the petitioners/accused Nos.1 to 4 for the offence punishable under Section 22(a) of the Minimum Wages Act, 1948. Since the complaint was presented in writing by a public servant, the learned Magistrate dispensed with the sworn statement in terms of the proviso to Section 200 of Cr.P.C., took cognizance of the alleged offence on 16.03.2023, registered the case as C.C.No.8812/2023 and issued summons to the petitioners. Despite due service of summons, the petitioners failed to appear before the learned Magistrate. Consequently, a Non-Bailable Warrant (NBW) came to be issued against accused Nos.1 to 4 on 02.09.2023.

3. Subsequently, on 19.02.2024, the learned counsel for accused Nos.1 to 4 got the matter advanced and filed an application under Section 70(2) of Cr.P.C. seeking recall of the NBW without the personal presence of the accused. In the said circumstances, the learned Magistrate rejected the application and re-issued NBW against the accused. Aggrieved by the cognizance order dated 16.03.2023, the issuance of NBW, and the continuation of the proceedings in C.C.No.8812/2023, the petitioners are before this Court.

4. Heard the learned counsel for the respective parties.

5. On perusal of the complaint and the order sheet of the proceedings before the learned Magistrate, it is evident that the complaint was lodged by the Senior Labour Inspector in his official capacity as a public servant, disclosing a *prima facie* contravention punishable under Section 22(a) of the Minimum Wages Act, 1948. Under the first proviso to Section 200 of Cr.P.C. Further, the allegations set out in the complaint disclose the necessary ingredients of the alleged offence, which require adjudication during trial. As such the learned Magistrate in

accordance with law took cognizance of the alleged offence on 16.03.2023 which needs no interference.

6. Insofar as the issuance of NBW is concerned, it is manifest from the record that despite service of summons and subsequent issuance of a warrant, the petitioners failed to appear before the learned Magistrate. When the learned counsel for the petitioners filed an application under Section 70(2) of Cr.P.C. seeking recall of the warrant without the physical presence of accused Nos.1 to 4, the learned Magistrate rightly rejected the said application and ordered issuance of NBW against the petitioners. This Court finds no infirmity or illegality either in the order taking cognizance dated 16.03.2023 or in the subsequent orders issuing NBW against the petitioners.

Accordingly, the petition lacks merits and the same is ***dismissed***.

However, liberty is reserved to the petitioners/accused Nos.1 to 4 to approach the learned Magistrate by filing necessary application to recall the NBW and seek bail.

Upon filing such application, the learned Magistrate shall consider and dispose of the same in accordance with law.

Till then, the Police shall not take any coercive steps against the petitioners/accused Nos.1 to 4.

The petitioners/accused Nos.1 to 4 shall appear before the learned Magistrate within two weeks from the date of receipt of a certified copy of this order.

SD/-
(RAJESH RAI K)
JUDGE

GPG
List No.: 1 Sl No.: 15